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CC Docket No. 95-155

AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

EX PARTE OR LATE FILED

'The Telegram Company'

February 13, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

IFEB 26 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

~~NSD~~

Re: 1/14/96 Letter from Regina M. Keeney, Chief, Common Carrier Bureau
to Mr. Roger J. Meyers, CEO, American Telegram Corporation

Dear Mr. Caton:

American Telegram Corporation ("ATC"), pursuant to Section 1.106 of the Commission's Rules (47 CFR Section 1.1.6), respectfully asks that the Commission review and reverse the decision by the Common Carrier Bureau set forth in the above-referenced letter ("January 14, 1997 Letter") (Exhibit A, attached). There, the Bureau denied ATC'S request for reconsideration of its decision allowing MCI Telecommunications Corporation ("MCI") to keep two 888 toll-free numbers (222-5347 and 774-6748) that ATC had placed in unavailable status in accordance with the procedures established by the Commission. ATC believes that the Bureau's decision is erroneous.

In its Report and Order in Toll Free Service Access Codes, 11 FCC Rcd 2496 (released January 25, 1996) ("888 Order"), the Bureau allowed commercial users of 800 numbers the opportunity to protect, at least on an interim basis, the equivalent numbers in the 888 service access code ("SAC") by having their Responsible Organizations ("RespOrgs") inform Database Service Management Inc. ("DSMI") to designate such 888 numbers as unavailable. The Bureau found that these users should be afforded special protection in order to guard against any attempt by their competitors to use the equivalent 888 number to undermine their commercial interests in their 800 numbers. Id. at 2498 (12). The RespOrgs had until 11:59 P.M. Eastern Standard Time February 1, 1996 to inform DSMI of the 888 numbers their customers wished to protect.

Although ATC's RespOrg submitted a timely request to DSMI to replicate the numbers at issue, see February 29, 1996 letter to Mr. William F. Caton from Glenn Richards (Exhibit B, attached), the numbers were not placed in unavailable status. In fact, it appears that several 888 numbers that 800 users had sought to designate as unavailable were erroneously omitted from the list of protected numbers by either DSMI or the customers' RespOrgs. See February 29, 1996 letter to Michael Wade from Regina M. Keeney, (Exhibit C, attached). Thus, the Bureau

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Mr William F. Caton Page 2

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instructed DSMI to "reclassify as 'unavailable' a number not set aside in this category and subsequently identified by an 800 subscriber or its RespOrg as a number that was erroneously omitted from the pool of 'unavailable' numbers as long as that number is still not in 'working' status." Id. The Bureau later "clarified" that any 888 number which had been listed in the database prior to 3 A.M. Eastern Time on March 1, 1996 was to be considered in "working status" "even though the telephone network could not support 888 numbers until after that time." See March 29, 1996 letter to Michael Wade from Geraldine Matise (Exhibit D, attached).

ATC's then current RespOrg, Sprint, submitted a letter to DSMI on February 29, 1996, requesting that the two subject numbers be placed in unavailable status. See Memorandum to Michael Wade from Susan Cotter (Exhibit E, attached). ATC also submitted a letter to DSMI on March 1, 1996 (Exhibit F, attached), requesting confirmation and received a letter from the NASC dated March 4, 1996 (Exhibit G, attached), stating that, "The...888 numbers have not been reclassified as "unavailable" in the SMS/800 System" because the numbers are already "in unavailable status".

ATC did not receive any further information that Sprint's request was not honored and thus reasonably believed that the numbers had continued to be designated as unavailable. ATC's belief here proved to be incorrect. Despite the fact that ATC had attempted to protect the numbers well before the initial February 1, 1996 deadline, despite the fact that the failure of ATC to secure protected status before February 1, 1996 may have been the fault of DSMI, and despite the fact that ATC then obtained protected status for the numbers under the revised procedures adopted in the Bureau's February 29, 1996 letter to DSMI, both numbers were subsequently assigned to MCI on or about April 23, 1996.

ATC then requested that the FCC order MCI to return to unavailable status the two numbers at issue. See June 6, 1996 letter to Geraldine Matise from Glenn Richards (Exhibit H, attached). Such request was denied by the Network Services Division of the Common Carrier Bureau. See October 22, 1996 letter to Mr. Roger J. Meyers from Geraldine Matise (Exhibit I, attached). ATC sought reconsideration of such decision. See November 21, 1996 letter to Regina M. Keeney from Roger J. Meyers (Exhibit J, attached). ATC's reconsideration request was likewise denied by the Bureau in its letter dated January 14, 1997 (Exhibit A). The Bureau concluded that "after reviewing the facts,

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...the Division properly concluded that it could not take any action to secure those telephone numbers for [ATC].", January 14, 1997 letter at 1. ATC respectfully submits that the facts do not support the Bureau's finding here.

Aside from ATC's letter to LDDS, (See August 7, 1995 letter to Sonja Coburn from Regina M. Keeney, Exhibit K, attached), the only fact that is based upon any documentary evidence is that Sprint submitted its request to protect the numbers at issue on February 29, 1996. The January 14 letter implies that such action was not taken until March 1, 1996. See January 14 Letter at 2 ("On March 1, 1996, Sprint confirmed with ATC that the numbers were in unavailable status"). Thus, to the extent that the Bureau's decision relies upon the March 1, 1996 date, it is in error.

The primary basis for the Bureau's finding appears to be that MCI had "apparently reserved" the subject numbers sometime between February 10, 1996 and February 29, 1996 and that DSMI had informed the Bureau on April 5, 1996 that such numbers had been placed in "working status" before 3 A.M. on March 1, 1996. But no documents are offered to support these statements. ATC does not know, for example, when MCI reserved the numbers or, for that matter, when they were placed into "working status." If MCI reserved the numbers in late February -- and the Bureau infers that this may have been the case -- the numbers may have been placed in "working status" (assuming, arguendo, that such numbers could be considered "working" when the network could not accept 888 traffic) after Sprint sought to protect the numbers or after ATC attempted to protect the numbers directly.^{1/} Given the Bureau's earlier statement that DSMI may have erroneously omitted several 888 numbers from the list of protected numbers, it would appear necessary that the Bureau require some reliable documentation from DSMI that the subject numbers were in "working status" before DSMI received Sprint's request for protection before deciding that ATC was not entitled to protect the numbers at issue.

^{1/} ATC's multiple attempts to replicate the numbers directly with DSMI prior to February 29, 1996 were unsuccessful. Even though ATC is a Common Carrier holding a 214 authorization and properly filed tariffs, DSMI refused to accept replication requests from ATC because, according to DSMI, ATC was not a Carrier or RespOrg, despite the fact that DSMI was not precluded from accepting replication requests from subscribers; and subsequently the February 29, 1996 FCC order permitted same, ". See February 29, 1996 letter to Michael Wade from Regina M. Keeney, (Exhibit C) at 3.

-Continued-



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The Bureau also rejected ATC's suggestion that the current subscribers be allowed to continue to use the numbers with the understanding that if the Commission decides to afford current 800 subscribers special protection or rights to equivalent 888 numbers on a permanent basis, such subscribers would have to cede the numbers back to DSMI for assignment to ATC. The Bureau stated that such action would be unfair to the current subscribers. However, it would appear that these subscribers did not begin to use the numbers until well after ATC's RespOrgs had properly requested that the numbers be protected. Under these circumstances, they should not be afforded rights superior to those of ATC.

Notwithstanding, the March 29, 1996 ruling was not intended to affect the rights of subscribers that made timely replication requests pursuant to the February 29, 1996 order. We respectfully request that the Commission remove the discriminatory treatment of the "unfortunate" "24 subscriber numbers" (October 22, 1996 letter, Exhibit I at 5) and provide replication protection for all by revising the earlier orders so that the determining factor is the "replication request" date (the date the numbers were requested to be placed in unavailable status) and not the "working status" date.

For the reasons stated above as well as those stated in its previous request for reconsideration, ATC respectfully requests that the full Commission reverse the decision by the Bureau.

Respectfully submitted,

Roger J. Meyers,
CEO
American Telegram Corporation

cc: Regina M. Keeney FCC (By Hand)
Geraldine Matise, FCC (By Hand)



Federal Communications Commission
Washington, D.C. 20554

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IFEB 26 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. Roger J. Meyers
American Telegram Corporation
2926 Lake East Drive
The Lakes, NV 89117

January 14, 1997

Dear Mr. Meyers:

I received your November 21, 1996 letter responding to the Network Services Division's (Division's) October 22, 1996 letter to you. The Division addressed your request to require MCI Telecommunications Corporation (MCI) to return two 888 numbers, 888-774-6748 and 888-222-5347, to unavailable status pending the Commission's determination of whether 800 subscribers wishing to obtain the corresponding numbers in 888 will be afforded any special protection or right to do so. After reviewing the facts, I believe that the Division properly concluded that it could not take any action to secure those numbers for you.

The new toll free service access code (SAC), 888, was opened on March 1, 1996. As explained in the October 22, 1996 letter, the Commission's Common Carrier Bureau (Bureau) directed Database Service Management, Inc. (DSMI) on January 25, 1996, to place in "unavailable" status those numbers in the 888 SAC that subscribers to the corresponding numbers in the 800 SAC stated they might want set aside for their use. The identified numbers would remain in "unavailable status" until the Commission decides whether such subscribers should be afforded any permanent special protection or right with regard to whom those 888 numbers would be assigned. Subsequently, some 800 subscribers notified the Bureau that DSMI or their Responsible Organization (RespOrg) had omitted from the list of protected numbers certain 888 numbers that subscribers wished placed in unavailable status. On February 29, 1996, the Bureau directed DSMI to reclassify as "unavailable" those 888 numbers identified by 800 subscribers that were erroneously omitted from the list of "unavailable" numbers as long as those numbers were not in "working status." These requests had to be submitted in writing by either the 800 subscriber, or such subscriber's RespOrg, and had to be received by DSMI by 11:59 p.m. March 15, 1996.

On March 1, 1996, DSMI informed the Bureau that it had complied with the February 29 directive. DSMI stated that it had categorized all 888 numbers as numbers in non-working status prior to 3:00 a.m., ET, March 1, 1996, because no 888 traffic was actually being delivered to those numbers through the telephone network until that date and time. DSMI took this action even though, as explained below, many numbers had already been identified as being in "working status" in the database. On March 15, 1996, the Bureau directed DSMI beginning at 12:00 a.m. ET March 16, 1996 not to accept any new requests to classify

equivalent 888 numbers as unavailable. The Bureau subsequently became aware, through various RespOrgs, that certain 888 number data records were listed in the SMS database as in "working status" before 3:00 a.m., ET on March 1, 1996, even though the telephone network could not carry calls to those 888 numbers until after that time. Thus, these 888 numbers were not categorized as unavailable. (On March 29, 1996, the Division sent a letter to DSMI clarifying that any 888 number that was listed in the database in "working status," even if it was so identified before 3:00 a.m., ET on March 1, 1996, could not be placed in unavailable status.) The Division instructed DSMI to reinstate to the original RespOrg (the RespOrg that had actually reserved a particular 888 number in the database by March 1, 1996) any 888 number that had been in "working status" before 3:00 a.m., ET on March 1, 1996, but that had been reclassified as "unavailable" pursuant to the February directive. On April 5, 1996, DSMI stated that twenty-four numbers fell into this category, and the numbers 888-222-5347 and 888-774-6748 were among them.

Your letter indicates that, on August 7, 1995, American Telegram Corporation (ATC) directed its carrier, LDDS Worldcom, to replicate the numbers 888-222-5347 and 888-774-6748 in the 888 SAC. ATC subsequently switched to Sprint for 800 service, and also directed Sprint to replicate the two numbers. In late February 1996, ATC discovered that the numbers had not been placed in unavailable status, and that MCI had reserved the numbers. (The early reservation period for 888 numbers began on February 10, 1996). When the Bureau directed DSMI to extend the deadline for placing 888 numbers in unavailable status, Sprint requested DSMI to put the two numbers in unavailable status. On March 1, 1996, Sprint confirmed with ATC that the numbers were in unavailable status. On April 23, 1996, ATC learned that the numbers had been transferred to MCI and activated, pursuant to the Division's March 29 letter directing DSMI to reinstate to the original RespOrg, in this case MCI, any 888 number that was listed as in "working status" before 3:00 a.m. ET on March 1, 1996.

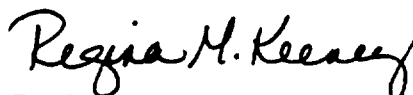
You ask why certain 888 numbers were in "working status" before 3:00 a.m. ET on March 1, 1996 when, in fact, the telephone network could not support 888 numbers until after that time. The answer to your question is that a number being classified as in "working status" means only that necessary steps have been taken to activate the number and that the number has been identified by descriptive markers in the database. Classifying a number as in "working status" does not mean that the number is accepting calls being delivered through the telephone network. Numbers can be listed in the database in "working status" without actually being operational. The early reservation period for 888 numbers began on February 10, 1996, and MCI apparently reserved certain 888 numbers, including the ones of interest to you, between February 10 and February 29, 1996. For a number to be activated on March 1, 1996, information pertinent to that number had to be downloaded to the service control points (the regional local exchange carrier databases used in the processing of toll free calls) before March 1, 1996, and the number had to be listed in "working status" in the toll free database, even though no calls were actually being processed to the number. The Bureau, in its February 29 letter, permitted RespOrgs and subscribers to place particular 888 numbers in unavailable status if the numbers were not in "working status." The Bureau adopted this bright-line test to avoid disruption of the March 1, 1996 deployment of the 888 code.

Even though the telephone network could not support 888 numbers before 3:00 a.m. ET on March 1, 1996, numbers had to be placed in "working status" before then to ensure that they could receive calls on March 1, 1996; it would have been impossible to enter the relevant information into the database to put all reserved numbers in "working status" on March 1, 1996. If the Bureau had not distinguished between 888 numbers based on "working status," RespOrgs and subscribers would not have known until after March 15, 1996 if any of the numbers that were in "working status" should actually start receiving calls. That uncertainty would have confused RespOrgs and subscribers and disrupted the opening of the 888 code.

We cannot employ your suggestion of ordering DSMI to take the two numbers you seek back from the current subscribers if the Commission decides to grant 800 subscribers permanent protection or rights with regard to the 888 numbers in the unavailable pool. To take the 888 numbers back from the current subscribers would be unfair since those subscribers are not responsible for the failure to place the numbers you desire in unavailable status at the proper time.

We understand your frustration that you cannot have the interim protection for the two 888 numbers you identify. Your toll free service providers had a responsibility to you to ensure that your numbers were placed in unavailable status and, for whatever reason, that did not happen. Once the Bureau learned that several subscribers' numbers were not placed in unavailable status, the Bureau acted to ensure that as many as possible among 800 subscribers claiming that DSMI or their RespOrg had erroneously omitted the 888 numbers corresponding to their 800 numbers from the list of protected numbers could receive the interim protection. However, it was inevitable that not all could be protected. But only a small number of 800 subscribers wishing to do so lost the opportunity to have the interim protection because the 888 numbers corresponding to their 800 numbers had already been placed in "working status" in the SMS database before 3:00 a.m. ET on March 1, 1996.

Sincerely,

A handwritten signature in cursive script that reads "Regina M. Keeney".

Regina M. Keeney
Chief
Common Carrier Bureau

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

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 (1910-1980)

February 29, 1996

Mr. William F. Caton
 Acting Secretary
 Federal Communications Commission
 1919 M Street, N.W.
 Room 222
 Washington, D.C. 20554

Dear Mr. Caton:

On behalf of our client, American Telegram Corporation, we hereby urge the Commission to act expeditiously to order MCI, as the Responsible Organization ("RespOrg"), to place in "unavailable" status the following toll free numbers:

888-774-6748

888-222-5347

These numbers have been in use by American Telegram in the 800 SAC for more than two years. On August 7, Roger J. Meyers, CEO of American Telegram, asked LDDS Worldcom to replicate the above-referenced numbers in the 888 SAC. A copy of Mr. Meyers' letter to LDDS is attached. Mr. Meyers then made the same timely request for replication when he switched service to Sprint Communications. According to LDDS, American Telegram's 800 numbers were submitted for reservation to Database Services Management, Inc. prior to the FCC's February 1st deadline for reservation of replicated numbers. We have learned this week that the two numbers listed above have not been reserved for American Telegram for replication in the 888 SAC and that MCI has reserved the numbers. These two numbers have great importance for American Telegram.

FEB-29-1996 14:04

P.02

William F. Caton
February 29, 1996
Page 2

American Telegram urges the Commission to act expeditiously in this matter to prevent further harm to all interested parties. The 888 SAC is to be fully operational and deployed on March 1, 1996. The Commission has established the "unavailable" category to handle replication of 800 numbers used by businesses. Therefore, a procedure is in place to preserve the status quo. By acting as soon as possible in this matter, the Commission will prevent MCI and its customers possibly incurring costs that would only make this situation worse.

Very truly yours,

Glenn S. Richards
Jason S. Roberts
Counsel to American Telegram Corporation

Attachment

cc: Regina Keeney, Chief, Common Carrier Bureau
Donald Evans, Esq., MCI
Leonard S. Sawicki, Esq., MCI
Michael Wade, DSMI
Michael Fingerhut, Sprint
Richard Whitt, LDDS Worldcom



AMERICAN TELEGRAM CORPORATION
Office of CEO Roger J. Meyers

August 7, 1995

Sonja Coburn
LDDS Worldcom RespOrg Manager

Via Fax 210-402-5152

Re: Pre-reservation of 888 vanity numbers; Acc# 702921708 / 7029795

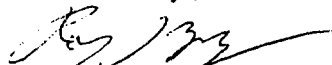
Dear Sonja:

As per your Special Bulletin please pre-reserve the following numbers:
If you have any questions please call me or my LDDS rep Ben Hakimi
213-688-2459.

800-343-7363	800-338-7363	800-315-0485	800-356-9374
800-354-3925	800-835-3935	800-262-2371	800-824-7363
800-446-7363	800-247-4929	800-526-7303	800-624-5285
800-835-3967	800-835-3932	800-625-5786	
800-835-3874	800-935-6836	800-843-6377	800-835-3637
800-462-4563			
800-462-4583	800-222-5347	800-767-8254	800-329-4726
800-329-6377	800-726-8247	800-568-3367	800-466-6743
800-725-8838	800-838-7329		
800-742-5282	800-767-4726		
800-329-2974	800-746-4373		
800-566-5870	800-746-4265		
800-566-5877	800-774-6748	800-356-9377	

Thank you.

Cordially,


Roger J. Meyers

RJM/ns

***** -JOURNAL- ***** DATE AUG-07-1995 ***** TIME 12:26 *****

DATE/TIME = AUG-07 12:25

JOURNAL NO. = 11

COMM.RESULT = OK

PAGES = 01

DURATION = 00:01'24

MODE = XMT

STATION NAME =

TELEPHONE NO. = T 12104025152

RECEIVED ID = 8007377674

RESOLUTION = STANDARD

-CORPORATE OFFICES-

702 242 8011- *****

EXHIBIT C



Federal Communications Commission
Washington, D.C. 20554

February 29, 1996

Mr. Michael Wade
President
Database Service Management, Inc.
6 Corporate Place
Room PYA - 1F286
Piscataway, NJ 08854-4157

Dear Mr. Wade:

On January 25, 1996, the Common Carrier Bureau directed Database Service Management, Inc. (DSMI) to place in "unavailable" status those 888 numbers identified by 800 subscribers as numbers that those subscribers may want to replicate in 888. The purpose of the Bureau's Order was "to assure interim protection for all equivalent 888 numbers designated by current 800 subscribers by setting those 888 numbers aside during the initial 888 reservation period." The Bureau did not decide whether these numbers ultimately should be afforded any permanent special protection or right. Rather, the Bureau merely deferred any decision about the permanent protection pending a resolution of that issue by the full Commission in CC Docket No. 95-155.

Disputes have now arisen regarding whether certain 888 numbers should have been made "unavailable" as a result of the Bureau's Order. Some 800 subscribers have indicated that DSMI or their Responsible Organizations ("RespOrgs") erroneously omitted from the list of "protected" numbers certain numbers identified by the 800 subscribers as numbers that the subscribers wish to protect in the 888 code.

To ensure that these subscribers are protected in the manner contemplated by the Bureau's Order, DSMI is directed to reclassify as "unavailable" a number not set aside in this category and subsequently identified by an 800 subscriber or its RespOrg as a number that was erroneously omitted from the pool of "unavailable" numbers as long as that number is still not in "working" status. Such a request must be in writing from either: (a) the 800 subscriber of the 888 number at issue; or (b) such subscriber's RespOrg, and received by DSMI no later than 11:59 p.m. March 15, 1996, at which time we shall reassess the situation and determine whether this authority should terminate or be continued for another specified period.

Mr. Michael Wade
Page 2

We emphasize that a number's classification as "unavailable" is an interim measure pending a decision by the Commission regarding the disposition of all numbers classified as "unavailable" as a result of the Bureau's Order. If you have any questions regarding this letter, please call Mary De Luca at (202) 418-2334.

Sincerely,

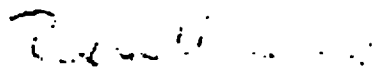

Regina M. Keeney
Chief, Common Carrier Bureau

EXHIBIT 0

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554RECEIVED
March 29, 1996

Mr. Michael Wade
President, Database Service Management, Inc.
6 Corporate Place
Room PYA - 1P286
Placemore, NJ 08854-4157

Dear Mr. Wade:

On February 28, 1996 the Common Carrier Bureau instructed Database Service Management Inc. (DSMI) to extend the time for placing in "unavailable" status those 800 numbers identified by 800 subscribers that those subscribers wanted to replicate in 800. This action was taken because of disputes that arose regarding whether certain 800 numbers should have been made "unavailable" as a result of the Bureau's January 25, 1996 Order. To ensure that these subscribers were protected in the same manner contemplated by the Bureau's Order, we directed Database Service Management, Inc. (DSMI) to reclassify as "unavailable" a number not previously set aside in this category and subsequently identified by an 800 subscriber or its RespOrg as a number that was erroneously omitted from the pool of "unavailable" numbers. This action was to be taken as long as that number was still not in "working" status in the database when the request was received. Such a request was to be in writing from either the 800 subscriber of the 800 number at issue or such subscriber's RespOrg. This process was extended until 11:59 p.m. March 15, 1996.

As expressed in your letter from March 1, 1996, you treated any 800 number prior to 3 a.m., E.T. on March 1, 1996, as a number in "non-working" status because no 800 traffic, other than test traffic, was actually being processed in the telephone network until that date and time. It has been brought to our attention however, that certain 800 number data records were listed in the DSMI database as "working" prior to 3:00 a.m., ET on March 1, 1996, even though the telephone network could not support 800 numbers until after that time. We clarify our February 29, 1996 letter to recognize that any 800 number that was listed in the database in "working" status, including those that were so identified prior 3 a.m., ET on March 1, 1996 as covered by our February 29, 1996 directive. Therefore, we instruct DSMI to reclassify to the original RespOrg any 800 number that was listed as "working" prior to 3:00 a.m., ET on March 1, 1996.

If you have any questions regarding this letter, please call Mary De Luca at (202) 418-2334.

Sincerely,

Geraldine A. Marini
Geraldine Marini
Chief, Network Service Division
Common Carrier Bureau

EXHIBIT E



Date: February 29, 1996

To: Michelle Wade
Database Service Management Inc.
Piscataway, NJ

From: Susan Cotter
Sprint Corp.
Kansas City, MO

A handwritten signature in cursive script, appearing to read "Susan Cotter".

Subject: Per FCC order additional numbers to 'replicate'

Per your request these are the numbers I have been able to confirm this evening that our customers asked us to protect. I appreciate the opportunity, please advise me that you received this FAX by returning the FAX with your approval.

The numbers are as follows:

888-327-8826 888-222-5347 888-774-8748
888-748-6337 888-443-8287

We attempted to reserve a number for a customer that we carry their outbound service. It was one of the first 20 numbers we attempted to get, but due to the timing of turning up NXXs and the accompanying error messages we received on February 9th 11:01 PM CST, we were unsuccessful. We verified that this same customer has the 800 version, and we were trying to protect their interests. Since we are not the Resp Org, I'm not sure that you will honor this request to 'replicate' the number for the customer, but this is my attempt to assist in the matter the only way I can at this time. The number is 888-256-7766.

Thanks for your assistance in this matter. If you need further details regarding this memo, please page me (816)757-4886.
Thank!

AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

From the Desk of Roger J. Meyers

March 1, 1996

Michael Wade, President
Database Service Management, Inc.
6 Corporate Place
Room PYA - 1F286
Piscataway, NJ 08854-4157

Via Fax: 908-336-3295

Re: Replication request and confirmation: 888-222-5347, 888-774-6748

Dear Michael:

This is to confirm that 888-222-5347 and 888-774-6748 has been placed under "protective" "unavailable" status as per Sprint's request as our responsible organization.

For the record, 222-5347 and 774-6748 are our 800 numbers that we wish to replicate in 888, and which up to now has been erroneously omitted from the pool of unavailable numbers. We request that they be removed from the list of available numbers and be reclassified as "unavailable".

I would appreciate a confirming correspondence.

Respectfully,



Roger J. Meyers

RJM/ns

Attachments: 2/29/96 Sprint letter



Date: February 29, 1996

To: Michelle Wade
Database Service Management Inc.
Piscataway, NJ

From: Susan Cotter
Sprint Corp.
Kansas City, MO

A handwritten signature in cursive script that reads "Susan Cotter".

Subject: Per FCC order additional numbers to 'replicate'

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888-327-8626 888-222-5347 888-774-6748
888-748-6337 888-443-8267

We attempted to reserve a number for a customer that we carry their outbound service. It was one of the first 20 numbers we attempted to get, but due to the timing of turning up NXXs and the accompanying error messages we received on February 9th 11:01 PM CST, we were unsuccessful. We verified that this same customer has the 800 version, and we were trying to protect their interests. Since we are not the Resp Org, I'm not sure that you will honor this request to 'replicate' the number for the customer, but this is my attempt to assist in the matter the only way I can at this time. The number is 888-256-7766.

Thanks for your assistance in this matter. If you need further details regarding this memo, please page me (816)757-4886.
Thanks!

AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

FAX TRANSMISSION

DATE: 3/1/96

- **TO:** Michael Wade
- **COMPANY:** Database Service Management Inc
- **FAX:** 908-336-3295
- **FROM:** ROGER J. MEYERS, CEO
- **COMPANY:** AMERICAN TELEGRAM CORPORATION
- **FAX:** 702-242-8011
- **RE:** Replication Request & Confirmation 222-5347, 774-6748
- **NUMBER OF PAGES:** COVER + 2
- **MESSAGE:**

PHONE: (702) 242-8000

FAX: 702-242-8011

***** -COMM. JOURNAL- ***** DATE MAR-01-1996 ***** TIME 18:59 *** P.01

MODE = TRANSMISSION

START=MAR-01 18:58

END=MAR-01 18:59

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES
001.	OK	2	19083363295	003

-AMERICAN TELEGRAM CORP -

***** (FAX-900 01.36) ** -OPERATIONS - ***** - 310 247 4780- *****

eight hundred
NASC

March 4, 1996

American Telegram
Roger J. Meyers, CEO
2926 Lake East Drive
The Lakes, NV 89117

Attn: Roger J. Meyers, CEO

Dear Mr. Meyers:

Pursuant to the directive received from the Chief, Common Carrier Bureau, Federal Communication Commission, we have processed your request dated March 1, 1996.

The following 888 number(s) **have not been** reclassified as "unavailable" in the SMS/800 System and the reason(s) are as follows:

888-222-5347
888-774-6748

Number in Unavailable Status
Number in Unavailable Status

Please be advised that a number's classification as "unavailable" is an interim measure pending a decision by the FCC regarding the disposition of all numbers classified as "unavailable" as a result of the Bureau's Order.

If you have any questions about the processing of your request, please call the NASC at (914)347-2222.

800
Number
Administration
and
Service
Center
(NASC)

777
Old Saw Mill River
Road
Tarrytown
New York
10591

Administration
914 • 347 • 2450

800 Service Center
914 • 347 • 2222

Fax
914 • 347 • 2599

Fax
914 • 347 • 2597

Jun. 18, 1996 3:51PM

No. 1623 P. 2/7
EXHIBIT H

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

2001 PENNSYLVANIA AVENUE, N.W.

SUITE 400

WASHINGTON, D. C. 20006-1851

TELEPHONE (202) 659-3494

GLENN S. RICHARDS

(202) 775-5678

June 6, 1996

FACSIMILE

(202) 296-8518

HAND DELIVERY

Geraldine A. Matisse
Chief, Network Services Division
Federal Communications Commission
2000 M Street, N.W.
Room 235
Washington, D.C. 20554

Dear Ms. Matisse:

I am writing to you on behalf of our client, American Telegram Corporation ("ATC"), to request that the Commission order MCI Telecommunications Corporation to return to unavailable status two toll-free telephone numbers (888-222-5347, 888-774-6748) that have been placed in unavailable status for ATC by Sprint. These numbers were improperly released to MCI by the 800 Number Administration and Service Center ("NASC"), even though Sprint had put the numbers in replicated status on February 29, 1996, pursuant to an FCC order issued that day.

These numbers have been in use by ATC in the 800 SAC for more than two years. On August 7, 1995, ATC directed LDDS Worldcom to replicate the numbers in the 888 SAC. ATC subsequently switched to Sprint for 800 service, and advised Sprint to replicate the two numbers. ATC discovered in late February that Sprint had not submitted the two numbers to DSMI for replication, and, that, MCI had reserved the numbers. ATC brought this matter to the attention of the Commission, which on February 29, directed DSMI to extend until March 15 the deadline in which 800 subscribers could request replication in 888. Pursuant to the Commission directive, on February 29, Sprint requested DSMI to protect both numbers. A copy of that request is attached. On March 1, Sprint sent ATC confirmation from DSMI that the numbers were indeed placed in the replication file. A copy of the confirmation is attached.

ATC learned three days ago that on April 23 the numbers had been transferred by the NASC to MCI and are now in use. Apparently, the NASC transferred the numbers to MCI based on your March 29, 1996, letter to Michael Wade instructing DSMI to re-instate to the original RespOrg any 888 number that was listed as working prior to 3 a.m. on March 1. A copy of the letter from the NACS to Sprint is attached.

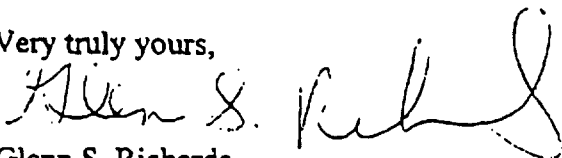
Geraldine A. Matise
Chief, Network Services Division
June 6, 1996
Page 2

DSMI has misapplied the March 29 order in the case of ATC's numbers. The February 29 order was issued to protect 800 customers such as ATC whose RespOrgs had simply failed to properly replicate 888 numbers. The February 29 actions taken by Sprint on behalf of ATC were consistent with the Commission's order and simply preserved ATC's rights to these numbers until the Commission issues a decision on the status of replicated numbers. In contrast, the March 29 ruling addresses the actions of carriers who jumped the gun and put certain 888 numbers into working status prior to 3 a.m., ET, on March 1, and was not intended to affect the rights of 800 customers that made timely replication requests on February 29, pursuant to the February order.

ATC has met every requirement necessary for replication of these two numbers. If at any time prior to 3 a.m. on March 1, these numbers were improperly classified as "working," it was not by any action of ATC or Sprint. Thus, the two numbers (888-222-5347, 888-774-6748) should be transferred back to Sprint, and placed into replicated status, for the benefit of ATC, until the Commission issues a decision on the fate of replicated numbers..

We ask for your prompt attention to this matter. If you have any questions, please contact the undersigned.

Very truly yours,



Glenn S. Richards
Counsel for American Telegram Corporation

Enclosures

cc: Mary DeLuca, FCC (by hand)
Donald Elardo, MCI (by facsimile)
Michael Fingerhutt, Sprint (by facsimile)

Jun. 18. 1996 3:51PM
SENI DT-SPKJN

; 3- 1-96 : 4:48PM :

2028228999- No. 1623

P. 4/7518:8 4

03/01/96

15:30

NO. 230 001



Date: February 28, 1996

To: Michelle Wade
Database Service Management Inc.
Piscataway, NJ

From: Susan Cotter
Sprint Corp.
Kansas City, MO

A handwritten signature in cursive script that reads "Susan Cotter".

Subject: Per FCC order additional numbers to 'replicate'

Per your request these are the numbers I have been able to confirm this evening that our customers asked us to protect. I appreciate the opportunity, please advise me that you received this FAX by returning the FAX with your approval.

The numbers are as follows:

888-327-8526 888-222-5347 888-774-6748
888-746-6337 888-443-8267

We attempted to reserve a number for a customer that we carry their outbound service. It was one of the first 20 numbers we attempted to get, but due to the timing of turning up NXXs and the accompanying error messages we received on February 9th 11:01 PM CST, we were unsuccessful. We verified that this same customer has the 800 version, and we were trying to protect their interests. Since we are not the Resp Org, I'm not sure that you will honor this request to 'replicate' the number for the customer, but this is my attempt to assist in the matter the only way I can at this time. The number is 888-258-7788.

Thanks for your assistance in this matter. If you need further details regarding this memo, please page me (816)757-4888. Thank!

Jun. 18. 1996 3:52PM

SENT BY:SPRINT

03/01/96

15:31

: 3- 1-96 : 4:48PM :

2028228999-

No. 1623

P. 5/7

2900518:8 5

NO. 298

002

080161MD
03/01/96

CUSTOMER INFORMATION SYSTEM

SMS NUMBER QUERY

10:36:21

APPL ID: 08 COMMAND: MQ KEY-INFO: 8882225347
PRTN

TF NUMBER : 888 282 3347
E800-NAME :
CONT NAME :

FAHSED : N
E800-IDL :
CONT MBR : 0

CONTROL RESP ORG : BRAC (NASC Controlled)

SMS STATUS : DISCONN
STATUS EFFECTIVE DT: 03 01 96

RESERVED UNTIL DATE:
DISCONNECT UNTIL DT: 07 01 96

SMS LAST ACCESS DATE:
SMS LAST ACCESS TIME:

080161MD
03/01/96

CUSTOMER INFORMATION SYSTEM

SMS NUMBER QUERY

10:31:12

APPL ID: 08 COMMAND: MQ KEY-INFO: 8887746748
PRTN

TF NUMBER : 888 774 6748
E800-NAME :
CONT NAME :

FAHSED : N
E800-IDL :
CONT MBR : 0

CONTROL RESP ORG : BRAC (NASC)

SMS STATUS : DISCONN
STATUS EFFECTIVE DT: 03 01 96

RESERVED UNTIL DATE:
DISCONNECT UNTIL DT: 07 01 96

SMS LAST ACCESS DATE:
SMS LAST ACCESS TIME:

eight hundred
(NASC)

800
Number
Administration
and
Service
Center
(NASC)

Sprint Communications Co. L.P.
8320 Ward Parkway
Kansas City, MO 64114
ATTN: Susan Cotter

April 23, 1996

Dear Susan Cotter:

Pursuant to the attached FCC Order dated March 29, 1996 the following 888 numbers which were placed under BRUNV Unavailable status at your request have been transferred to the original Resp Org(s) that had control of the number at the time of your request:

888-624-6286
888-774-6748

888-327-8626

888-746-6337

888-222-5347

If you have any questions concerning this matter, please contact the NASC at (914) 347-2222.

cc: Steve Broom

777
Old Saw Mill River
Road
Tarrytown
New York
10591

Administration
914 - 347 - 2450

800 Service Center
914 - 347 - 2222

Fax
914 - 347 - 2599

Fax
914 - 347 - 2597